CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

MARCH 4, 2008

INVOCATION:
Pastor Steve Felton of the First Church of the Nazarene gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Orach led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino.

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Director of Public Works/City Engineer Whitehead, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Community Development Lindsey, Police Chief Macagni, Fire Chief Ortiz, Advance Planner Smith, Community Programs Manager Coelho-Hudson, Planner III Shipsey, Assistant Fire Chief Moreno, Management Analyst II van de Kamp, and Chief Deputy City Clerk Perez.

PUBLIC COMMENT
Paula James spoke regarding the Minuteman Civil Defense Corps' activities and the new local Central Coast Minuteman Civil Defense Corps chapter.

Mickey Freeman spoke regarding the impact of illegal aliens in the community and her neighborhood and the work of the Minuteman Civil Defense Corps.

Barry Sigman also spoke regarding the Minuteman Civil Defense Corps. He encouraged the Police Department to adopt and enforce the provisions of Section 287(g) of the Immigration and Nationality Act. He talked about the Escondido Police Department enforcing the provisions of Section 287(g) and their success.

Paul Bongiorno spoke regarding illegal alien families receiving more aid than Veterans of the Armed Forces.

CONSENT CALENDAR
Consent Calendar Items A through H were approved, with direction to staff as mentioned, on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar were adopted by the same vote cast at the first reading unless City Council indicated otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of February 19, 2008, were approved as submitted.

C. CABLE TELEVISION ORDINANCE

Ordinance No. 2008-05 amending Title 4 of the Municipal Code by adding a new Chapter 4-11A and adding a new Chapter 9-16, to regulate video service providers that hold State video service franchises and to conform with the California Digital Infrastructure and Video Competition Act of 2006 was introduced by title only for first reading and continued to the next meeting for second reading and adoption.

Ordinance No. 2008-05 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 4, BY ADDING A NEW CHAPTER 4-11A OF THE MUNICIPAL CODE ESTABLISHING FRANCHISE AND P.E.G. FEES AND CUSTOMER SERVICE PENALTIES FOR THE STATE OF CALIFORNIA VIDEO FRANCHISE HOLDERS PROVIDING VIDEO SERVICE WITHIN THE CITY OF SANTA MARIA.

D. WARRANTS

Warrant Nos. 140194 to 140488 in the amount of $4,528,103.70 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 135368, 140196, and 140301 were cancelled.

E. PAYROLL

Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

F. ENOS RANCHOS SPECIFIC PLAN AND ZONE CHANGE

Second reading was conducted of Ordinance No. 2008-03 removing 121.2 acres from the Entrada Este Specific Plan and simultaneously adopting the Enos Ranchos (Area A-2) Specific Plan; and Ordinance No. 2008-04 rezoning the 7.8 acre site currently located in the City and prezoning the 113.4 acres currently located in the County for the Enos Ranchos Project generally located west of U.S. Highway 101, between Betteravia Road and Battles Road, and the Ordinances were adopted.

Ordinance No. 2008-03 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING SPECIFIED SECTIONS OF THE ENTRADA ESTE SPECIFIC PLAN AND ADOPTING THE ENOS-RANCHOS (AREA A-2) SPECIFIC PLAN, FOR PROPERTY LOCATED BETWEEN U.S. HIGHWAY 101, BATTLES ROAD AND BETTERAVIA ROAD, EAST OF COLLEGE DRIVE AND SOUTH OF INGER DRIVE (EXTENDED TO COLLEGE DRIVE), ASSESSOR PARCEL NUMBERS 128-078-004, 128-078-005, 128-078-010 AND 128-078-013, 121.2 (+/-) ACRES.

Ordinance No. 2008-04 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, REZONING 7.83 ACRES LOCATED NORTH OF BETTERAVIA ROAD, SOUTH OF INGER DRIVE (EXTENDED), WEST OF COLLEGE DRIVE – AND PREZONING 113.4 ACRES OF PROPERTY LOCATED BETWEEN BETTERAVIA ROAD AND BATTLES ROAD AND COLLEGE DRIVE FOR ENOS-RANCHOS, LLC, ENOS RANCHOS (AREA A2) SPECIFIC PLAN PROJECT, GPZ-2002-009, AND AN-100, ASSESSOR PARCEL NUMBERS 128-078-004, 128-078-005, 128-078-010 AND 128-078-013 (121.2 ACRES).

G. INTENT TO ANNEX

Resolution No. 2008-28 was adopted expressing intent to annex Sevilla into the South Miller Street/South College Drive Landscape and Lighting District; Chen Commercial, St. John Neumann Church, and Church Street Retail into the Northwest Landscape and Lighting District; Roemer Court Parcel Map, East Ridge Estates, and Farm Supply Storage Buildings into the Northeast Landscape and Lighting District; and Taco Bell Restaurant and C-4 Development into the Southwest Landscape and Lighting District.

Resolution No. 2008-28 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, INITIATING PROCEEDINGS AND

DECLARING THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS PURSUANT TO THE "LANDSCAPE AND LIGHTING ACT OF 1972" (SEVILLA, CHEN COMMERCIAL, ST. JOHN NEUMANN CHURCH, CHURCH STREET RETAIL, ROEMER COURT PARCEL MAP, EAST RIDGE ESTATES, FARM SUPPLY STORAGE BUILDINGS, TACO BELL RESTAURANT, AND C-4 DEVELOPMENT)

H. LEASE AGREEMENT WITH HUMANE SOCIETY

Resolution No. 2008-29 was adopted approving a fifth amendment to the lease agreement with the Humane Society.

Resolution No. 2008-29 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE DIRECTOR OF UTILITIES, OR HIS DESIGNEE, TO ENTER INTO AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE HUMANE SOCIETY AND THE CITY OF SANTA MARIA FOR AN ADDITIONAL YEAR AND AUTHORIZING THE DIRECTOR OF UTILITIES TO ENTER INTO ADDITIONAL ONE-YEAR EXTENSIONS UNTIL THE NEW SITE IS DEVELOPED.

WASTEWATER TREATMENT PLANT EXPANSION – CALL FOR BIDS.

Director of Public Works/City Engineer Whitehead gave the staff report. The City Council is asked to give approval to call for bids on the plans and specifications for the Wastewater Treatment Plan Expansion, Bid No. 2008/01. The project includes building new facilities to increase the plant capacity from 9.5 million gallons per day (MGD) to 13.5 MGD. The main components of the Plant expansion project include new structures, modifications to existing structures, new field piping and electrical duct bank construction, electrical, instrumentation, mechanical, HVAC construction and SCADA improvements. The project will be funded through the Wastewater Fund and Growth Mitigation Fees. The anticipated project cost will be between $15 million and $20 million and is proposed to take approximately 18 months to complete.

Mayor Lavagnino stated this project was fully funded which was a big hurdle the City had been able to overcome. He asked if this project would take the City to its projected build-out.

Utilities Director Sweet stated assuming a two percent growth rate, the project should take the City to the year 2024.

Councilmember Zacarías thanked Joan Leon for her list of questions that were submitted and for allowing adequate time for staff to respond.

Mayor Lavagnino also thanked Joan Leon and the Santa Maria Community Coalition for submitting their questions before the meeting and not taking the time at the meeting to get their questions answered.

Councilmember Orach commended staff for the forethought in preparing for this for so many years and making sure the funding was available.

Councilmember Trujillo stated the City Council got a lot of briefings on water and wastewater and were kept well versed on what was happening which was why there was not much discussion at the meeting.

Councilmember Trujillo moved to grant approval to call for bids. Councilmember Orach seconded the motion. The motion carried on the following vote:

AYES:	Councilmembers Orach, Patino, Trujillo, Zacarías, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

CONSIDERATION OF THE ESTABLISHMENT OF CAMPAIGN CONTRIBUTION LIMITS FOR CITY ELECTED OFFICES.

Assistant City Manager Haydon gave the staff report. On December 18, 2007, Joan Leon, representing the Santa Maria Community Coalition, requested an agenda item be placed before the City Council to discuss the establishment of campaign contribution limits for City elected offices. Pursuant to the Fair Political Practices Commission guidelines, disclosure of campaign contributions was required when there were contributions totaling $1,000 or more or $1,000 or more in expenditures during the calendar year. Contributions of $100 or more are required to be reported on a candidate's FPPC Form 460. Currently the City of Santa Maria did not limit individual campaign contributions for any City elected office. In recent years, individual campaign contributions for City Council campaigns have been as high as $5,100; cumulative contributions as high as $4,500; in-kind contributions nearing $3,000; and individual loans (candidate loaning funds to their own campaign) as high as $17,000. Under the Municipal Affairs section of the City Charter, Santa Maria had the ability to establish its own campaign contribution limits by way of the ordinance process. Should the City Council determine that the establishment of campaign contribution limits was warranted, staff would need direction on a number of issues listed in the staff report to prepare an ordinance.

Joan Leon, Santa Maria Community Coalition, stated the idea of city campaign contribution limits was presented at a League of Women Voters forum. The intent of any campaign contribution limit law would be to open up the election process to more candidates; to promote integrity, honesty, and fairness in City election campaigns; and to give all candidates the incentive and opportunity to interact with more of the voting public. Incumbents and challengers alike would work under the same rules so a candidate with wealthy supporters would not have a big advantage over other candidates. The idea of contribution limits did not involve any public financing of election campaigns. In response to the questions posed in the staff report, the Coalition had the following suggestions: limit individual contributions to $200, groups should be the same, in-kind services and materials should be the same, a candidate and immediate family members should only be able to loan the campaign enough to cover the cost of the ballot statement, reporting should be kept as simple as possible, and any ordinance should be in place for the upcoming November election. Also, the ordinance should have a clause requiring that any money remaining should be donated to a non-profit organization and all bank accounts closed. She said the Coalition urged the Council to pass a campaign contribution limit ordinance.

Deborah Brasket, SBCAN and a member of the Coalition, thanked the Council for bringing this item forward on the agenda for discussion. Campaign contribution limits would help to open up public office to those people who may feel they cannot afford to run, and it would encourage people to go out and talk to the voters to raise contributions. She urged the Council to pass some type of contribution limit.

Councilmember Orach asked why the City of San Luis Obispo had increased their limit from $100 to $200.

Joan Leon stated the ordinance had been in place since 1974 and was never increased. Every time the City Council reviewed the ordinance, they refused to increase the limit. The review committee recommended an increase, and the Council finally agreed to increase it from $100 to $200.

Councilmember Trujillo asked if the Coalition wanted the ordinance to limit money unions gave candidates as well as contributions of postage or other things the Union might want to provide.

Joan Leon stated a union or any group would be the same as the individual limit. Individual union members could contribute $200 each, but the union would be limited to $200. That would make it very fair. The public had a suspicion about money in politics. The more money that came from an individual source gave the perception that it was buying influence. If a candidate had a lot of supporters who contributed small amounts

of money, it showed a wide base of support. Large contributions from single sources gave the impression the contributor expected something in return.

Mayor Lavagnino stated he thought there were a lot of loopholes to limiting campaign contributions. He did not think there could be a limit on how much a person spent of their own money for their own campaign. That should be their right. He suggested it would be easier to set an expenditure limit rather than a contribution limit.

City Attorney Trujillo stated the United States Supreme Court had held that it was unconstitutional to limit how much money a candidate could spend on their own campaign. It was permissible to apply contribution limits to groups; however, it was unconstitutional to set spending limits for groups.

Mayor Lavagnino stated that was one of the problems he saw. A group could place ads in the newspaper without the candidate's knowledge and spend over the limit. He said he had never seen a dirty campaign in Santa Maria and didn't think there was a problem with the way candidates campaigned in Santa Maria.

City Attorney Trujillo advised the Council that one of the findings that would need to be made for imposing campaign contribution limits was to combat corruption, not to even the playing field. He recommended that if the City wanted to move forward with an ordinance, findings be developed to show potential corruption or instances of past corruption, which he did not believe existed in Santa Maria.

Councilmember Patino stated her concern was who would enforce the ordinance. Candidates were already required to file forms for the FPPC, and this would be additional forms to file. She said she did not know how it could be enforced.

Councilmember Zacarías stated it was important to look at this issue and thought it took more than one meeting. She said if it was what the residents wanted for the City Council, then that was what the Council would consider. She suggested if it was what the public wanted, there should be some type of committee to look at it and bring back recommendations. She said they needed to look at what other constitutional or freedom issues there were and what the result of ordinances in other cities had been. She said she would be interested in knowing if it had resulted in more people running for office or ensured that there was no bias in decision making.

Councilmember Trujillo stated the information in the staff report showed that very few cities had contribution limits. Candidates had to comply with State regulations and federal regulations. The Fair Political Practices Commission enforced those regulations. He said for the City to create another set of regulations was not good policy.

Mayor Lavagnino stated he believed the reason this was brought forward was to level the playing field, but it was supposed to be to fight corruption. However, if a candidate had a constitutional right to put as much money as they wanted into their own campaign, it put some people at a disadvantage.

Councilmember Orach stated this community had been a city for 103 years. The system had not worked unfairly. To run for office, a candidate needed to go door-to-door and get their points out to the public. Society was not an even playing field for everybody. People who wanted to step up and run for office and worked to get their points across, got elected. It was not dollars that got a candidate elected, it was the voters who got them elected. He recommended keeping the status quo.

Councilmember Trujillo stated his feelings were the same. Candidates had to comply with State and Federal regulations, and he did not think the City needed to do anything else.

Councilmember Patino stated she wished she did not have to spend money to campaign. She felt too much money was spent on campaigning. Her concern was who was going to enforce the ordinance.

The consensus of the City Council was to maintain the status quo and not adopt any campaign contribution limits.

CITY MANAGER'S REPORT

City Manager Ness reported on items for the March 18, 2008, City Council meeting including the 2008 Investment Policy, the 2008 General Plan Annual Report, initiating the 2008 Annual Weed Abatement Program, five items coming from the Traffic Committee including a public hearing to remove a school crosswalk on E. Dena Way for Tunnell Elementary School, a public hearing for the Cale-West Subdivision, the Mitigated Negative Declaration for Los Flores Ranch Passive Recreation Project, and a recommendation to continue the Breeze Bus Service for the next six years.

ORAL REPORTS BY COUNCILMEMBERS

Councilmember Orach reported on attending the Faith Korean Church celebration of their new church with Mayor Lavagnino and Councilmember Trujillo on Sunday, March 2nd. He also attended the third of the four gang workshops at Allan Hancock College on Tuesday, February 29th.

Councilmember Zacarias reported that on Saturday she got to throw out the first pitch for the Girl's Fast Pitch Softball League at Hagerman Field. She also attended the Breeze Policy Advisory Committee meeting. She reminded the audience of the free income tax service on Saturdays through the United Way and Allan Hancock College for low-income families.

Mayor Lavagnino also reported on attending the Faith Korean Church celebration. He said if everybody was as polite, courteous, and caring about their fellow man as these people were, Santa Maria would really be a City of peace.

Mayor Lavagnino also reported that he, Utilities Director Rick Sweet and Tom Fayrum from the Santa Barbara County Flood Control and Water Conservation District went to Los Angeles on March 4th and met with Colonel Magnus of the Army Corps of Engineers regarding the levee. The City was able to get about $280,000 for a study of the levee; however, the study was estimated to cost about $440,000. One of the first things Colonel Magnus told them was that he would find the rest of the money to do the study. The goal was to have the Corps bid the construction project to restore the levee by September 2009.

Councilmember Trujillo reported that he attended the open house for the Family Care Network on February 28th.

Councilmember Patino reported that on February 21st she attended the Santa Maria High School Parent Teacher Night. Fighting Back Santa Maria Valley was going to do "Every 15 Minutes" regarding the number of minor drunk driving accidents that happen every day with participation from Santa Maria High School. She attended the memorial for the Highway Patrol Officers on February 22nd. On Tuesday, February 26th, she attended the Prop 36 graduation with Judge Flores for 61 graduates. On Wednesday, February 27th, she attended the public information meeting for Fire Station No. 5. She and members of the Methamphetamine Leadership Council met with Congresswoman Capps on March 3rd regarding the methamphetamine problem in the community.

CLOSED SESSION

Council recessed to Closed Session at 7:40 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Baldiviez v. City of Santa Maria, Santa Barbara Superior Court Case No. 1232811.

Following the Closed Session, the following report was given:

Conference with Legal Counsel:

Baldiviez v. City of Santa Maria – Report given. Direction to staff was given.

ADJOURNMENT
Councilmember Patino moved to adjourn the meeting in honor of Mr. Keith Lapp and Robert L. Simas, who both gave so much to the community.

There being no further business to come before the City Council at this time, Mayor Lavagnino declared the meeting adjourned at 7:58 p.m.

APPROVED

March 18, 2008
Date

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST

Chief Deputy City Clerk

Mayor of the City of Santa Maria